

ENTERED

April 15, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONDOTUN DAVID FAKEYE, *et al*,

Plaintiffs,

VS.

UNITED STATES GOVERNMENT, *et al*,

Defendants.

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CIVIL ACTION NO. 4:18-CV-1916

ORDER

Plaintiffs initiated this case *pro se* on June 11, 2018.¹ Doc. #1. The entire complaint—which is largely unintelligible—states:

“I am suing you after treaty. Treaty is not conspiracy. My nuclear is set in Russia. My allies are exception until United States Government, CIA, United States Police, and the 45 states comply. Keep off my extended family and my businesses. Face the wall when coincidentally. I will hit the United States Government like I am educated. \$36 trillion for conspiring my exception.

And insisting on having the right to remove and hit any conspiracy building or center field and places that look like it.”

Id. Plaintiffs have repeatedly filed similarly incoherent and inflammatory complaints with courts in this district. *See, e.g., Dotun Fakeye v. United States Government*, Civil Action No. 4:18-CV-946 at Doc. #3 (dismissing with prejudice as factually frivolous); *Dotun David Fakeye, et al. v. United States Government, et al.*, Civil Action. No. 4:17-CV-01243 at Doc. #6 (dismissing without prejudice for want of prosecution); *Dotun David Fakeye, et al. v. United States Government, et al.*, Miscellaneous Action No. 4:17-MC-2204 at Doc. #2 (denying application to proceed *in forma*

¹ On October 12, 2018, the Court held a show cause hearing after Plaintiffs failed to attend the Scheduling Conference. During the hearing, the Court ordered Plaintiff Dotun David Fakeye to file proper service on defendants within 30 days. More than a year later, Plaintiffs have still not effectuated service of process.

pauperis); *Fakeye v. United States Government et al.*, Miscellaneous Action No. 4:17-MC-282 at Doc. #2 (same).


Here, because Plaintiffs proceed *in forma pauperis*, the Court is required to scrutinize the complaint and dismiss the case if the Court determines that the action “is frivolous or malicious.” 28 U.S.C. § 1915(e)(2)(B). A complaint is factually frivolous “when the facts alleged rise to the level of irrational or wholly incredible.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). If the complaint’s allegations are only unlikely or improbable, it cannot be dismissed as frivolous at this early stage. *Id.*

After considering Plaintiffs’ complaint, the Court concludes that this case must be dismissed. The facts alleged in the complaint are not only “irrational and wholly incredible” but also threatening in tone. This action is undoubtedly frivolous.

Accordingly, this civil action is hereby DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B). Additionally, Plaintiffs are hereby WARNED that they may face sanctions, including monetary penalties and restrictions on their ability to access the courts, if they continue to file frivolous lawsuits.

It is so ORDERED.

April 15, 2020
Date


The Honorable Alfred H. Bennett
United States District Judge